

REMARKS

This paper is submitted in response to the Office Action for the above-identified application mailed May 23, 2006.

Before discussing the Office Action and this Response, the undersigned representative calls to the attention of the Examiner that the representative is submitting this paper pursuant to the general authority granted under 37 CFR Sec. 1.34. Within six (6) weeks of the mailing of this paper, a new Power of Attorney signed by the Assignee's agent should be submitting explicitly designating this representative to act with regard to this application. If this paper is not in the Examiner's file for this application at the time this Response is reviewed, the Examiner is encouraged to contact the designated representative, Trent English, to discuss this matter.

Applicants will file an Amendment Under 37 CFR 1.48(b) correcting the inventorship due to the amendment of the claims within (6) weeks of the filing of this paper.

In the Office Action, Claim 108 was rejected under 35 U.S.C. Sec. 103 for being unpatentable over Green et al., U.S. Patent No. 5,887,281, and Bertone, U.S. Patent No. 4,241,299.

Initially, under cover of this Response, the title of the application has been amended so as to more precisely indicate the invention to which the claims are directed.

With regard to the claims, last presented Claim 108 is now cancelled. Newly presented Claims 117-126 are the only claims now present in the application. Claims 117, 121 and 125 are the independent claims.

Applicants' claimed method for maintaining a constant volume of air flowing into an air filtration system includes: a

hood adapted to be worn over the head of a user; a fan beneath the hood; a motor for driving the fan; and a power supply for powering the motor.

In the method of independent Claims 117, 121 and 125, motor speed is monitored to determine when the "speed has stabilized for a predetermined amount of time."

Bertone only applies his sensed back EMF signal to a comparator 24 for regulating motor speed. This signal is compared with a variable speed adjustment signal in order to regulate motor speed.¹

This is not the same as monitoring back EMF to determine when, as in the claimed method, the speed has "stabilized".

Similarly, Bertone just monitors power supply voltage to determine if the voltage drops below a set level.

[I]f battery voltage should drop, the reference signal derived from the voltage divider 98, 100 will also drop; and, again, the light-emitting diode 32 will extinguish to indicate this condition.²

This does not suggest the invention of Claim 117 wherein, if the power supply voltage decreases, a second signal is output from the power supply to ensure that the drive voltage applied to the motor stays at a set voltage. Likewise, this does not suggest the method of Claim 121 wherein when the power supply voltage drops a second signal is supplied from the power supply to the motor to maintain the motor speed at the set speed. The method of Claim 125, adjusting the pulse width modulation of the power signal applied to the motor is likewise not suggested.

Green discloses nothing about monitoring the motor speed or the power supply used to energize the motor of his assembly.

¹ U.S. Patent No. 4,241,299, column 13, lines 53-59.

² *Ibid.*, column 4, lines 6-9.

Therefore the prior art, even if combined, fails to teach the method of this invention regulating the voltage applied to the fan drive motor as a function of power supply voltage. More particularly, in the claimed method this voltage is regulated to ensure that even when power supply starts to lose charge, the motor will run at a generally constant speed. This results in the fan maintaining a substantially constant air flow through the hood.

Consequently, should the subject air filtration system be used as a personnel protection system in a surgical procedure, when battery voltage drops, the surgical personnel do not have to continually interrupt the procedure in order to readjust the motor in order to ensure air flow through the system remains constant.

Therefore, even if combined, the sum of the prior art would not equal a method of regulating air flow equal to or having the benefits of the invention recited by the Applicant's independent claims. Accordingly, these claims are directed to a method that is a nonobvious departure from the prior art.

The dependent claims are all allowable at least because they depend from allowable independent claims.

In conclusion it is respectfully submitted that all the claims of this application are directed to a patentable invention and are in an allowable form. Since the claims, as well as the other parts of this application are in an allowable state, the Applicants now courteously solicit prompt issuance of a Notice of Allowance.

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Respectfully submitted,



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